


IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

FILE 
05 APR 19 PM 3 4.

ROBERT R. DILLON
CLERK, U.S. DIST. CT.
W.D. OF TN, MEMPHIS

HAE SOOK LEE, ANGIE HEE JUNG)
LEE, INAE LEE, OK YON CHI, MOO)
K. YUN, and LYDIA SON,)

Plaintiffs/)
Counter Defendants,)

v.)

Civil No. 03-2582 M1/P

HEUNG-SHIK MIN, HYUNG JOON MIN,)
and HOME OF CHEERS CORP AKA)
HOUSE OF CHEERS CORP,)

Defendants/)
Counter Plaintiffs.)

ORDER ON DISCOVERY MOTIONS

Before the court are the following motions: (1) Defendants' Motion for Order Compelling Plaintiffs to Appear for Depositions and Fully Respond to Defendants' Interrogatories and Document Requests, filed on April 5, 2005 (dkt #33); (2) Plaintiffs' Motion to Compel the Deposition of Hyung Joon Min and the Keeper of Records of Home of Cheers Corp., filed on April 6, 2005 (dkt #34); and (3) Plaintiff's Motion to Amend Scheduling Order to Enlarge Time Within Which to Complete Discovery, filed on April 6, 2005 (dkt #35). On April 19, 2005, the court held a hearing on these motions. Counsel for all parties were present and heard. For

reasons stated on the record, and as summarized below, these motions are GRANTED in part and DENIED in part, as follows:

1. By agreement of the parties, all named plaintiffs shall appear for their depositions beginning on May 18, 2005, and continuing until complete.

2. Plaintiff Moo K. Yun failed to provide any timely responses to Defendants' interrogatories and requests for admissions, which were served on October 22, 2004. Her failure to respond to these discovery requests constitutes a waiver of any objections, including objections based on relevance. See Fed. R. Civ. Proc. 33(b)(4), 34(b); Blackmond v. UT Medical Group, Inc., No. 02-2890, 2003 WL 22385678, at *1 (W.D. Tenn. 2003) (unpublished); Jones v. Am. Gen. Life and Accident Ins. Co., No. 101-003, 2002 WL 32073037, at *6 (S.D. Ga. 2002) (unpublished); Land Ocean Logistics, Inc. v. Aqua Gulf Corp., 181 F.R.D. 229, 237 (W.D.N.Y. 1998); Pulsecard, Inc. v. Discover Card Servs., Inc., 168 F.R.D. 295, 303 (D.Kan. 1996).

Therefore, Plaintiff Yun is hereby ordered to fully respond to each of Defendants' interrogatories and document requests (with the exception of federal and state tax returns, as described below) by no later than May 2, 2005.

3. In addition, the remaining five plaintiffs also failed to timely respond to interrogatories and document requests, despite extensions of time to respond allowed by Defendants. Moreover,


specifically with respect to interrogatories 2, 5, 6, and 8, and document requests 15 and 17, the court finds that these discovery requests seek relevant and non-privileged information, and therefore must be produced. Regarding document request 14, however, the court finds that the time period of the request (1996 to the present) seeks irrelevant information and is overly broad with respect to the federal and state tax returns for Plaintiffs Moo K. Yun, Inae Lee, Ok Yon Chi, and Lydia Son. Therefore, these four plaintiffs need only produce federal and state tax returns for the period 2001 to the present. All of these discovery responses shall be provided to Defendant by no later than May 2, 2005.

4. By agreement of the parties, Plaintiff will be allowed to depose Defendant Hyung Joon Min in the district where he resides.

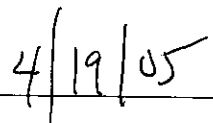
5. Other than the discovery described above, the parties are not entitled to any additional discovery.

6. All dates, including the trial date, shall remain the same.

IT IS SO ORDERED.



TU M. PHAM
United States Magistrate Judge



Date



Notice of Distribution

This notice confirms a copy of the document docketed as number 41 in case 2:03-CV-02582 was distributed by fax, mail, or direct printing on April 20, 2005 to the parties listed.

Anthony J. Iacullo
IACULLO MARTINO & MARZELLA
247 Franklin Avenue
Nutley, NJ 07110

Paul Howard Morris
MARTIN TATE MORROW & MARSTON
6410 Poplar Ave.
Ste. 1000
Memphis, TN 38119

Gabrielle N. Wright
IACULLO MARTINO & MARZELLA
247 Franklin Avenue
Nutley, NJ 07110

Johnny Quitman Rasberry
LAW OFFICE OF JOHNNY RASBERRY
100 N. Main St.
Ste. 2909
Memphis, TN 38103

Honorable Jon McCalla
US DISTRICT COURT